

**MINUTES FOR THE MEETING OF THE ST. CHARLES CITY COUNCIL  
TUESDAY, DECEMBER 18, 2017 – 7:00 P.M.  
CITY COUNCIL CHAMBER, CITY OF ST. CHARLES  
2 E. MAIN STREET, ST. CHARLES, IL 60174  
CITY COUNCIL CHAMBERS**

**1. Call to Order by Mayor Rogina at 7:00 pm.**

**2. Roll Call**

**Members Present:** Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek,  
Bessner, Lewis

**Absent:** None

**3. Invocation by Ald. Payleitner**

**4. Pledge of Allegiance by Ald. Vitek**

**5. Presentations**

**6. Omnibus Vote.** Items with an asterisk (\*) are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.

**\*7. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the regular City Council meeting held December 4, 2017.**

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis

NAY: 0 ABSENT: None MOTION CARRIED

**\*8. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the December 4, 2017 Public Hearing concerning the passage of the Proposed 2017 Tax Levy for the City of St. Charles.**

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis

NAY: 0 ABSENT: None MOTION CARRIED

**\*9. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the December 4, 2017 Public Hearing concerning the passage of the Proposed 2017 Special Service Area Property Tax Levies for the City of St. Charles.**

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis

NAY: 0 ABSENT: None MOTION CARRIED

- \*10. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve and authorize issuance of vouchers from the Expenditure Approval List for the period of 11/20/2017 – 12/03/2017 the amount of \$1,489,101.74.**

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis  
NAY: 0 ABSENT: None MOTION CARRIED

## **I. New Business**

- A.** Recommendation by Ald. Bancroft and seconded by Ald. Stellato to approve a Class E6 liquor license for The Finery & Blacksmith Bar located at 305 W. Main Street.

**Lewis:** I was curious if you had applied for a Class E6 license in the past, or is this the first time?

**Juliette Reyes:** Yes, we applied for one last year as well and I think the year before that too, this is our third New Year's Eve.

**Lewis:** Okay, so you knew then that you have to apply for them?

**Reyes:** I had a lot of help the past two years with the administrative work and help from Tina Niles, who's no longer working for the City; she would send reminders for me. This year, it slipped my mind and I do apologize and spoke with the city earlier today and that next year I will get the application in on time next year.

**Lewis:** Chief, I was just curious if any other restaurants have applied for any late night permits for New Year's Eve.

**Chief Keegan:** Not for New Year's Eve, Ald. Lewis, we have seen some applications throughout the years, since we enacted the ordinance, but nothing as of yet.

**Mayor Rogina:** Anything further?

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis  
NAY: 0 ABSENT: None MOTION CARRIED

- B.** Recommendation by Ald. Stellato and seconded by Ald. Turner to award Additional Leaf Collection Services to Kramer Tree Specialists, Inc.

**Peter Suhr:** Good evening, unless there are any questions, this is truly a 'housekeeping' night in regards to an additional leaf collection and pickup that was done at the end of our season. We had some dialog about this at the previous government services commit meeting and because of the late fall of the fall leaves; we decided to move ahead with a final pickup after the collection program ended. We were successful in allowing Kramer Tree Services, our contractor, to come in and have eight separate crews on the Monday following the program and were able to pickup the

entire community in a single day, before the snow fell that evening. This is to seek approval for \$28,400 for that last and final pickup.

**Ald. Gaugel:** This seems to be the norm, because I seem to remember doing this last year as well. It would be great if we could avoid having the special pickup and short notice. I know in my neighborhood, I don't think there was a ton of participation and from some of the neighbors I spoke with, there wasn't a lot of notice to prepare. Understandably so but maybe there is a way next year we can bid this out and have an option for an additional or, look at the program in its entirety to see if we should extend the range of the program. I know the weather is unpredictable and it's hard to predict what will happen with the weather will do and when leaves will fall. There are still two trees in my neighbor's yard that are still hanging on. We'll never be able to get it right and I hate seeing quick turnarounds on larger dollar items like this. It would be better if we could plan for it. With that said, I think it was well run and there were a lot of people that really appreciated but I don't know if we got the best participation that we really could have if this was started at the beginning of the season and publicized throughout.

**Mayor Rogina:** Help me with this. If we keep using our program the way it is, we start with the first official announcement as far as leaf collection is concerned, where do we go from there under your plan?

**Ald. Gaugel:** Either we bid this with an additional option for one additional pickup so we know what the cost is already, in this case, correct me if I'm wrong but we had to ask them for pricing to do the one additional pickup for the one day. Is that right?

**Peter Suhr:** We do have the price to do the entire town for a single pickup and that was \$108,000 roughly. We did ask to get hourly rate on the crews, but truly we already had that in our bid so it was the same hourly rate if you divided it out based on the other pickups, you could get that back into that information- from the original contract. Again, we really already had that information upfront.

**Ald. Gaugel:** Okay, so that's fair. It's the additional, we're never going to hit it right, it's so difficult to hit when the leaves fall and when the last pickup is and when the snow falls and everything else. It would be nice if we had this as a finite service that started on XX dates and ended on XX dates.

**Mayor Rogina:** If I hear you correctly, the tree service, whomever they may be next season, you're suggesting to staff that they come in with a bid that provides one price with a contingency in the event of snow leaf falling?

**Ald. Gaugel:** That would be a good scenario, yes.

**Ald. Lemke:** One of the folks that contacted me said that he would have a lawn service out if I could give him a days notice. Sounds like he had the lawn service out on Sunday and I spent a few hours Saturday trying to connect with the guy and he was thankful. I will say, indifference to the places where I say a lot of leaves on the curb, in Hunt Club for example, going through there today it looks like its already been cleaned up and nothing plugging the gutters, thankfully.

**Mayor Rogina:** I think that staff has responded very well. I agree that it is tricky when you have these situations but it seems to be unusual situation.

**Peter Suhr:** I'm not sure that it is really unusual because we did it again last year when we had the leaves fall early in the season and if you recall maybe three or four years ago, we used to have an additional pickup and there was a direct action to move from four leaf pickups to three. That was a conscious choice that we all talked about and discussed for a savings of roughly \$100,000 for that last pickup. We also, at that time, eliminated a brush pickup at that exact same time. We went from eight brush pickups to seven. Now we are back up to eight brush pickups and it sounds like the druthers is to go to four leaf pickups again. If we don't have to do it, we don't need to perhaps but we can still budget for that.

**Ald. Lewis:** I think it was wonderful that we did this second pickup or final pickup and I received several thanks you and 'what a kind city and responsive city' because we respond when needed. I think coming out of the reserve fund was a perfect use for reserve fund money. When there is an emergency and something out of the ordinary, it happened and that's why we have that money there to do it. I'd hate to see it budgeted and then it would take away from some other projects that we might do and then if we don't use it then, oh well we've got it there. It doesn't seem to happen all the time. So, that's just my thoughts.

**Mayor Rogina:** Applying that opportunity cost, economic principal. I like that.

**Ald. Payleitner:** I also want to compliment Public Works on their responsiveness and I received a lot of calls and contact from neighbors. Peter, the extra bonus, if you will, for those with leaves on their trees still, I still have some on my trees, is the bag pickup. That is extended to the end of the year, so that was another great response that this option is still out there as well.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis  
NAY: 0 ABSENT: None MOTION CARRIED

## II. Committee Reports

### A. Government Operations

- \*1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to place on file the Non-union Compensation Report from Sikich, LLP.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis  
NAY: 0 ABSENT: None MOTION CARRIED

- \*2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to award a contract to Schramm Construction Corporation for Partial Building Demolition (George's) and Waive the Public Bid Process.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner, Lewis

NAY: 0 ABSENT: None MOTION CARRIED

- \*3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the December 4, 2017 Government Operations Committee meeting.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner, Lewis

NAY: 0 ABSENT: None MOTION CARRIED

**B. Government Services**

- \*1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file the Minutes of the November 27, 2017 Government Services Committee Meeting.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner, Lewis

NAY: 0 ABSENT: None MOTION CARRIED

**C. Planning and Development**

- \*1. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Plan Commission Resolution 18-2017 A Resolution Recommending Approval of a Map Amendment, Special Use for Planned Unit Development, PUD Preliminary Plan and Final Plat of Subdivision for Crystal Loft Townhomes, 214 S. 13th Ave. (Jeffrey Funke).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner, Lewis

NAY: 0 ABSENT: None MOTION CARRIED

- \*2. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve **Ordinance** 2017-Z-21 Granting Approval of a Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Crystal Lofts (214 S. 13th Ave.)

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner, Lewis

NAY: 0 ABSENT: None MOTION CARRIED

- \*3. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Plan Commission Resolution 19-2017 A Resolution Recommending Approval of a General Amendment regarding Pet Care Facilities in the M1 District and Off-Premise Signs in Business and Manufacturing Districts.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner, Lewis

NAY: 0 ABSENT: None MOTION CARRIED

4. Motion by Ald. Bessner and seconded by Ald. Lemke to approve **Ordinance** 2017-Z-22 Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Ch. 17.16 “Office/Research, Manufacturing and Public Land Districts”, Table 17.16-1 “Permitted and Special Uses” and Chapter 17.28 “Signs”, Section 17.28.080 “Prohibited Signs”, Section G. “Off-Premise Signs” (Pet Care Facilities in M1 District, Off-Premise Signs for lots without street frontage in business and manufacturing districts).

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner,  
NAY: Lewis, Payleitner ABSENT: None MOTION CARRIED

- \*5. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file Plan Commission Resolution 20-2017 A Resolution Recommending Approval of a Special Use for a Pet Care Facility, Fydoland, 1311 E. Main St.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis  
NAY: 0 ABSENT: None MOTION CARRIED

6. Motion by Ald. Bessner and seconded by Ald. Lemke to approve **Ordinance** 2017-Z-23 Granting Approval of Special Use for a Pet Care Facility for Fydoland, 1311 E. Main St.

**Ald. Payleitner:** I still have the same concerns that I had when we talked about it at committee. Since then, through a reach out on my part, there have been neighbors, neighbors in quotation marks, of this that were qualified for the notification but because they are not the landowners, had no idea this was coming along. One of them is the Crystal Loft townhome development. They had no idea and were totally taken by surprise and miffed by it. As well as another neighbor who didn't know about it because they were not the landowners, per say. This is kind of a big deal, especially with three developments going in. Like I said last week with the redevelopment going on in that area, I feel like this was kind of a rush to fill. It wasn't a very creative development use and kind of like we're settling. That is my concern and I look through and read the packet, the findings of facts of the planning commission said that this will not be injurious to the use enjoyment of other properties. Truth be told, the barking dogs will be an issue and the gentleman conducting the sale of the townhomes said “that will be swell when I'm showing people and dogs are barking”. So, I know I'm maybe one of two lone voices against this so my concern is moving forward, how are these people protected from that disturbance? Of because it is 'special use' we have to take the barking? I guess that's my concern.

**Mayor Rogina:** In respect to the comment to the notice, and the notice to people that staff might not be aware of because they are not the owners of the property or there's development to be determined yet. Are you suggesting that you expand our notice? I remember as an alderman when making that argument one time about the amount of feet you would allow a notice to be given to and I know I was shot down at that point in time but that's the way it is. I guess my question is, just thinking out loud, how would you like this to see the notice changed? As far as people or distance?

**Ald. Payleitner:** I kind of discussed this as well; when you look at when the Loft, they are both before us tonight their resolutions are before us for approval. The townhome development started in August and its been quiet a process and there's probably more to it. The Fydoland has been "Boom Boom Boom" three weeks. I think that it's the timing that bothers me. I get it; staff is restricted by only knowing who the land owners are. It's not their responsibility to go further and if the landowner chooses to notify the tenants and in this case, I'd imagine he wouldn't because it might mess up his deal. I know there are a lot of restrictions put on it by the state. Zoning is all state and I know there was no reason to hold this up and it went through the channels and just one of those things. It was a three week bam bam. I know one of the owners was out of town, one of the people on the property was out of town and couldn't come to the public hearing and I promised to speak for them all. And so this is what I'm saying and asking how can we make sure that the barking stays curtailed and within our zoning.

**Mayor Rogina:** I don't know if I have an answer to that, I know that we approved several years ago Fydoland coming in initially and I recall some conversations about whether there was concern across the street at the apartments across the street about the barking. Seemed like that's all been, as I speak here, the director of economic development is coming to the microphone.

**Rita Tungare:** Good evening and thank you. This owner, Robin Massie, is present tonight and if the council has any questions for the business owner she can answer.

**Ald. Payleitner:** I know we've brought up the concerns about the barking and I was quick to defend because it was a small operation and it was on Main Street and there are different stipulations when you're on Main Street for sound. I'm not sure but I think there were complaints about the barking, am I correct?

**Robin Massie:** 703 N. Third Ave, Owner of Fydoland No, we haven't had any complaints and I'm not user what complaints you are referring to.

**Ald. Payleitner:** I think your future landlord as a matter of fact has complained about the barking dogs.

**Robin Massie:** Not at all.

**Ald. Payleitner:** Okay, I heard otherwise. Thank you

**Robin Massie:** Perhaps that is hearsay. We've not had any complaints we've also been in contact with the city planning and they even said to you at the last meeting that there's been no reports of complaints either. As far as we are under stipulation of any noise ordinance as well, if those complaints came in we could be fined as well.

**Ald. Payleitner:** That's I guess what I'm asking, Rita (Tungare) if there is stipulation that I can convey that and what does our code say about noise?

**Rita Tungare:** It would have to comply with the noise ordinance, I can't recite it off the top of my head but if the property abuts any residential properties there are more stringent standards in terms of compliance of the noise ordinance. They would have to comply like any other

property in town. We don't have any records of any complaints from the existing facility to date.

**Mayor Rogina:** Fydoland, as I understand it, sits in Ward 1, is that correct? So, to the two aldermen over there have you had any complaints since its been put into existence?

**Ald. Silkaitis:** I do remember that we had this same discussion about the barking dogs. I guess it never materialized. We do have our nescience ordinance or noise ordinance and if they do get out of hand, we will deal with it appropriately, correct? I'm going to expect and Ald. Payleitner, I see your point, but we have the ordinance in place and if there's a problem we'll deal with it. Staff will deal with the issues and we'll go from there.

**Mayor Rogina:** Anyone further?

**Ald. Lemke:** I would encourage that when we give notice to owners, going forward, that they likewise inform anyone living on their land. It's not easy to enforce but they should be notified also.

**Mayor Rogina:** Clarify, who notifies? The landlord or the tenant?

**Ald. Lemke:** The landlord is notified but we encourage them in the notification to further notify their tenants and it doesn't seem like something you can enforce but we should encourage that.

**Mayor Rogina:** That makes sense, I don't think that staff has problems with redoing the boiler plate language they already have so I don't see a problem with that.

**Ald. Lemke:** Likewise I was concerned initially about the site on Main Street and that was because of the fact that several of the tenants were aware that this was usage was going to be allowed across the street and likewise, so they spoke our and would know to come forward if there were complaints subsequent to that approval and I haven't heard any either.

**Ald. Gaugel:** I can appreciate the concerns of the residents around. The Crystal Loft, I think that part of their due diligence when they're moving to that location is to look at what the zoning is around them. The two zoning classifications that are right next to it being BL and M1. M1 could allow for a wide myriad of things that could go in there and I think that it's part of their process to understand what, not only is next to them but what could exist potentially down the road. I don't think this would hamper them. I understand and appreciate your concern about notification and I think that is a valid point and I think that is something we should look at and take seriously but I don't think that Crystal Loft's alone in their planned use-first I don't think they would be hampered by this but second its part of their process that they should look at more than what's there now and what potentially could be there down the road.

**Ald. Payleitner:** Before this evening, was this an option? No. We voted on allowing kennels tonight, even if they did their due diligence.

**Ald. Bancroft:** There could be some other loud use, right? Permitted to their zoning. It could be anything.



**Mayor Rogina:** Alright, anything else?

**Ald. Lewis:** Well I'm curious that if there, you say there are or were complaints that our code would handle it. But, to the owner, what would you do so that the dogs wouldn't be barking?

**Robin Massie:** What we have in place now has worked very well. We have trained personnel that can redirect any barking and we keep a limited number of dogs outside and we also don't, as per the ordinance, we also don't allow dogs out any earlier than 7am or past 7pm.

**Ald. Lewis:** But you're doubling in size. So, you'll have twice as many.

**Robin Massie:** Yes, that is correct but the way we are set up it is a small town type place. There will still never be more than the allotted dogs that we have outside now. We will have our playrooms on the inside so that we can still maintain the same small number per playroom.

**Ald. Lewis:** And how many do you allow outside now?

**Robin Massie:** There are 10 allowed outside at any given time. So when one group of 10 comes in, another group of 10 goes out.

**Ald. Lewis:** So for three hours or all daylong?

**Robin Massie:** We rotate all day long.

**Ald. Lewis:** So all day long there will be 10 dogs outside?

**Robin Massie:** Possibly. What we try to adhere to is that they go outside at least once an hour. As you can see in the three years that we've been there, there's never been a problem because of the way we train our staff and work with the dogs. And there's never been a problem.

**Ald. Lewis:** But you're doubling in size and once you double in size then there's more opportunity for more things.

**Robin Massie:** There is more opportunities but I'm a trained professional and have been doing this for 20 years and that is my experience is as a pack master.

**Ald. Lewis:** I understand and you do a good job. I don't think anyone is saying you're not it's just that the location that you've chosen now to expand your business that I also am having difficulties with. I don't think that it meets the finding of fact either for the neighborhood and I think you run a good business but I think you've chosen the wrong location.

**Robin Massie:** I strongly disagree but thank you, I appreciate that.

**Mayor Rogina:** Anything else? I think we're ready, the motion has been made and seconded and now Chuck (Amenta-Clerk) can call the role.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner,  
NAY: Lewis, Payleitner ABSENT: None MOTION CARRIED

- \*7. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve **Ordinance** 2017-Z-24 Granting Approval of a Minor Change to PUD Preliminary Plan for Saddlebrook Executive Offices (St. Charles Commercial Center PUD)

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis  
NAY: 0 ABSENT: None MOTION CARRIED

- \*8. Motion by Ald. Stellato and seconded by Ald. Silkaitis to approve **Resolution** 2017-159 Approving a Proposal for Professional Engineering Services from WBK Engineering for First Street Building #3 Streetscape and Riverwalk Improvements in an amount not to exceed \$32,974.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis  
NAY: 0 ABSENT: None MOTION CARRIED

- \*9. Motion by Ald. Stellato and seconded by Ald. Silkaitis to accept and place on file minutes of the December 11, 2017 Planning & Development Committee meeting.

ROLL CALL VOTE: AYE: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel,  
Vitek, Bessner, Lewis  
NAY: 0 ABSENT: None MOTION CARRIED

## 7. Executive Session

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

## 9. Additional Items from Mayor, Council, Staff, or Citizens

## 10. Adjournment

Motion by Lemke and seconded by Turner to adjourn the meeting.

VOICE VOTE: AYE - UNANIMOUS ABSENT: None MOTION CARRIED

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Charles Amenta, City Clerk

CERTIFIED TO BE A TRUE COPY OF ORIGINAL

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Charles Amenta, City Clerk